

JUSTINA SESSIONS, State Bar No. 270914  
JOHN P. FLYNN, State Bar No. 141094  
COLLEEN BAL, State Bar No. 167637  
MALAVIKA F. LOBO, State Bar No. 317635  
ANA ALICIA SONTAG, State Bar No. 340602  
WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation  
One Market Plaza  
Spear Tower, Suite 3300  
San Francisco, CA 94105  
Telephone: (415) 947-2197  
Facsimile: (415) 947-2000  
Email: jsessions@wsgr.com  
jflynn@wsgr.com  
cbal@wsgr.com  
mlobo@wsgr.com  
asontag@wsgr.com

ADDITIONAL COUNSEL IDENTIFIED ON SIGNATURE PAGE

*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

JOSHUA SIMON, DAVID BARBER, AND  
JOSUE BONILLA, INDIVIDUALLY AND ON  
BEHALF OF ALL OTHERS SIMILARLY  
SITUATED, DIANA BLOCK, AN  
INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN  
ORGANIZATION,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,  
PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF,

Defendants.

CASE NO.: 4:22-cv-05541-JST

(San Francisco County Superior Court,  
Case No.: CGC-22-601686)

**NOTICE OF MOTION AND  
MOTION TO ADVANCE THE  
HEARING DATE FOR  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

Complaint Filed: September 8, 2022  
Removal Filed: September 28, 2022

TRIAL DATE: None set

CLASS ACTION

DEMAND FOR JURY TRIAL

NOTICE OF MOTION AND MOTION TO ADVANCE THE  
HEARING DATE FOR PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION  
CASE No.: 4:22-cv-05541-JST

**NOTICE OF MOTION AND MOTION**

TO DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Joshua Simon, David Barber, and Josue Bonilla, shall, and hereby do, move to advance the hearing date on Plaintiffs' Motion for a Preliminary Injunction against Defendants San Francisco City and County and Paul Miyamoto, in his official capacity, to be heard by the Honorable Jon S. Tigar in Courtroom 6, United States District Court for the Northern District of California, Oakland Courthouse, 2nd Floor, 1301 Clay Street, Oakland, California 94612.

Plaintiffs seek timely interim relief from the ongoing constitutional violations alleged by Plaintiffs against them and their putative class. As set forth in the Declaration of Avram D. Frey, Esq., filed in support of this Motion, Plaintiffs filed a Complaint in the Superior Court for the County of San Francisco on September 8, 2022. Plaintiffs sought preliminary relief in state court on September 14, 2022, set for an order to show cause hearing on September 29. Defendants removed on September 28, 2022. Plaintiffs filed a Motion for Preliminary Injunction in this Court on October 7, 2022. At that time, Plaintiffs selected the earliest date available on the Court's online calendar, January 12, 2023.

In light of the harms alleged, Plaintiffs seek to have their Motion resolved as soon as practicable given the Court's calendar and the time necessary for the parties to brief the issues. The parties have agreed to an extended briefing schedule on Plaintiffs' Motion for Preliminary Injunction, and the parties are filing a Stipulation to that effect contemporaneously with this Motion to Advance the Hearing Date. Per the Stipulation, the date of the last brief on the Motion for Preliminary Injunction is November 4, 2022, when Plaintiffs' Reply would be due. Accordingly, Plaintiffs' respectfully request that if the Court desires oral argument, that the hearing date for Plaintiff's Motion for Preliminary Injunction be advanced to the earliest possible time after November 4, 2022. Plaintiffs have communicated with counsel for Defendants and they do not support this Motion to Advance the Hearing Date.

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2 Dated: October 18, 2022  
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Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Justina Sessions  
Justina Sessions

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12 WILSON SONSINI GOODRICH & ROSATI  
13 Professional Corporation  
14 One Market Plaza  
15 Spear Tower, Suite 3300  
16 San Francisco, CA 94105  
17 Telephone: (415) 947-2197  
18 Facsimile: (415) 947-2000  
19 Email: jsessions@wsgr.com

20 AMERICAN CIVIL LIBERTIES UNION  
21 FOUNDATION OF NORTHERN  
22 CALIFORNIA, INC.  
23 Shilpi Agarwal, State Bar No. 270749  
24 Avram D. Frey, MJP 804789 (*Admitted Pro*  
25 *Hac Vice*)  
26 Emi Young, State Bar No. 311238  
27 Hannah Kieschnick, State Bar No. 319011  
28 39 Drumm Street  
San Francisco, CA 94111  
Telephone: (415) 621-2493  
Facsimile: (415) 255-1478  
Email: sagarwal@aclunc.org  
afrey@aclunc.org  
eyoung@aclunc.org  
hkieschnick@aclunc.org

*Attorneys for Plaintiffs*  
*Joshua Simon, David Barber, Josue Bonilla,*  
*Diana Block, and Community Resource*  
*Initiative*